

APPEAL NO. 010389

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2001. The hearing officer determined that: (1) regarding case number 1, the compensable injury of _____, sustained by respondent (claimant) while working for appellant/cross-respondent self-insured (City 1) (the old injury), is a producing cause of claimant's left knee injury after _____; and (2) regarding case number 2, claimant sustained a compensable right shoulder, low back, and new left knee injury on _____, (the new injury), while working for respondent/cross-appellant self-insured (City 2). City 1 appealed the determination regarding case number 1 and City 2 appealed the determination regarding case number 2 and City 2 asks the Appeals Panel for apportionment regarding medical care expenses. City 1 responded to the appeal of City 2, asserting that City 2 did not prove that the old injury was the sole cause of the knee condition after _____. Claimant and City 2 did not respond on appeal.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The applicable law in this case is discussed in Texas Workers' Compensation Commission Appeal No. 990503, decided April 23, 1999. The hearing officer reviewed the record and decided what facts were established. The July 2000 report from Dr. L supports the hearing officer's determinations in this case. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Regarding Carrier 1's assertion that the hearing officer improperly addressed the issue of sole cause, we note that the issue of sole cause was raised by the facts of this case. See Appeal No. 990503. We perceive no reversible error. Regarding apportionment, the Appeals Panel does not address fact issues and generally will not address issues that were not raised at the hearing.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge